

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: City Development Department, Planning Division

AGENDA DATE: Introduction: March 26, 2013
Public Hearing: April 16, 2013

CONTACT PERSON/PHONE: Andrew Salloum, (915) 541-4633, salloumam@elpasotexas.gov

DISTRICT(S) AFFECTED: 4

SUBJECT:

An ordinance changing the zoning of Lots 9-10, Block 2, Sahara Subdivision, City of El Paso, El Paso County, Texas from R-4 (Residential) to C-2 (Commercial) and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 9934 Dyer Street. Property Owner: Sang and Mario Ornelas. PZRZ12-00045 (District 4)

BACKGROUND / DISCUSSION:

N/A

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

City Plan Commission (CPC) – Approval Recommendation (7-0).

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD:

Mathew S. McElroy
Director, City Development Department

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF LOTS 9-10, BLOCK 2, SAHARA SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-4 (RESIDENTIAL) TO C-2 (COMMERCIAL) AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of *Lots 9-10, Block 2, Sahara Subdivision, City of El Paso, El Paso County, Texas*, be changed from **R-4 (RESIDENTIAL)** to **C-2 (COMMERCIAL)**, within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly.

Further, that the property described above be subject to the following condition which is necessitated by and attributable to the increased density of use generated by the change of zoning in order to protect the health, safety and welfare of the adjacent property owners and the residents of this City:

- 1. That prior to the issuance of any building permits, a detailed site development plan shall be reviewed and approved as per City Code.*

PASSED AND APPROVED this _____ day of _____, 2013.

THE CITY OF EL PASO

ATTEST:

John F. Cook
Mayor

Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Karla M. Nieman
Assistant City Attorney

Mathew S. McElroy, Director
City Development Department

MEMORANDUM

DATE: March 18, 2013

TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager

FROM: Andrew Salloum, Planner

SUBJECT: PZRZ12-00045

The City Plan Commission (CPC), on March 7, 2013, voted 7-0 to recommend **approval** of rezoning the subject property from R-4 (Residential) to C-2 (Commercial) and imposing a condition that prior to the issuance of any building permits, a detailed site development plan shall be reviewed and approved as per City Code.

The CPC found that the rezoning is in conformance with the Plan El Paso. The CPC also determined that the rezoning protects the best interest, health, safety and welfare of the public in general; that the proposed use is compatible with adjacent land uses; and the rezoning will have no negative effects on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There is no opposition to this request.

Attachment:
Staff Report



City of El Paso – City Plan Commission Staff Report

Case No: PZRZ12-00045
Application Type: Rezoning
CPC Hearing Date: February 21, 2013
Staff Planner: Andrew Salloum, 915-541-4633, salloumam@elpasotexas.gov

Location: 9934 Dyer Street
Legal Description: Lots 9-10, Block 2, Sahara Subdivision, City of El Paso, El Paso County, Texas
Acreage: 0.2755-acre
Rep District: 4
Existing Zoning: R-4 (Residential)
Existing Use: Vacant
Request: From R-4 (Residential) to C-2 (Commercial)
Proposed Use: Retail

Property Owner: Sang and Mario Ornelas
Representative: Sang and Mario Ornelas

SURROUNDING ZONING AND LAND USE

North: C-1/sc (Commercial/special contract) / Vacant
South: C-1/sp (Commercial/special permit) / Retail
East: R-4 (Residential) / Vacant
West: C-3 (Commercial) / Vacant

PLAN EL PASO DESIGNATION: G-3, Post-War (Northeast Planning)
NEAREST PARK: Milagro Park (4,378 feet)
NEAREST SCHOOL: Parkland Elementary (3,801 feet)

NEIGHBORHOOD ASSOCIATIONS

There are no registered neighborhood associations in the area.

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on February 5, 2013. The Planning Division has not received any letters or phone calls in support or opposition of the rezoning request.

APPLICATION DESCRIPTION

The applicant is requesting to rezone the subject property from R-4 (Residential) to C-2 (Commercial) to allow for retail. The conceptual site plan shows 2 retail buildings. Access is proposed from Dyer Street.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of rezoning the subject property R-4 (Residential) to C-2 (Commercial) with a condition:

Prior to the issuance of any building permits, a detailed site development plan shall be reviewed and approved as per City Code.

The recommendation is based on the surrounding commercial immediately adjacent to the subject property. Plan El Paso land use designation is G-3, Post-War. The predominant land use in the area is commercial.

Plan El Paso- Future Land Use Map Designation

All applications for rezoning shall demonstrate compliance with the following criteria:

G-3, Post-War: This sector applies to transitional neighborhoods typically developed from the 1950s through the 1980s. Streets were laid out with curvilinear patterns without alleys and shopping centers are located at major intersections behind large parking lots. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.

The purpose of the C-2 (Commercial) district is to accommodate establishments providing goods or rendering services which are used in support of the community's trade and service establishments and serving multi-neighborhoods within a planning area of the city. The regulations of the districts will permit intensities designed to be compatible with each other and to provide for a wide range of types of commercial activity, including light automobile related uses.

COMMENTS:

Planning Division - Transportation

No objections to rezoning request

Site plan comments:

1. The proposed 20 ft. aisle between the proposed 90 degree angled parking does not comply with city requirements (24ft. min. required).

Notes:

1. The subject property is located along the Dyer Rapid Transit System (RTS) corridor. Location and arrangement of bus stops and/or bus pull in bays shall be coordinated and approved by Sun Metro.
2. Access and improvements to Dyer shall be coordinated and approved by TxDOT.
3. All existing / proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) within public rights-of-way shall be in compliance with current ADA/TAS rules and regulations and the current City of El Paso Design Standards for Construction.

City Development Department – Plan Review

No objections.

City Development Department - Land Development

No Objection.

Grading plan and permit shall be required.*

Storm Water Pollution Prevention Plan and/or permit required.*

Drainage plans must be approved by the City Development Dept. Land Development Section.*

* This requirement will be applied at the time of development

Fire Department

As for rezoning request, Fire does not adversely affect fire department at this time. *

* Note, A more detailed reviewed will be done by fire plan review during the permitting process.

Sun Metro

Sun Metro does not oppose this request.

El Paso Water Utilities

We have reviewed the zoning change request reference above and provide the following comments:

1. El Paso Water Utilities (EPWU) does not object to this request.
2. Dyer Street is a Texas Department of Transportation (TxDOT) right-of-way. All proposed water and sanitary sewer work to be performed within Dyer Street right-of-way requires written permission from TxDOT.

Water:

3. There is an existing 12-inch diameter water main extending along Dyer Street that is available for service, the water main is located approximately 30-feet east from the center line of the right-of-way.
4. Previous water pressure from fire hydrant #8637 located approximately 10-ft south from the south west property line have yielded a static pressure of 90 (psi), a residual pressure of 86 (psi), and a discharge of 1,300 gallons per minute.
5. The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer. The Lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

Sanitary Sewer:

6. There is an existing 15-inch diameter sanitary sewer main extending along Dyer Street, the sewer main is located approximately 25-feet west from the center line of the right-of-way.
7. There is an existing 8-inch diameter sanitary sewer main that is available for service along the alley between Sahara Lane and Souda Avenue. The sewer main is located approximately 10-feet east from the eastern property line. Said main ends approximately 455-feet north from a manhole located approximately 35 south of Souda Avenue.
8. A sewer main will need to be extended at the developer's cost from the end of said main to the common boundary line of lots 9 and 10.

General:

9. EPWU requires a new service application to provide service to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

CITY PLAN COMMISSION OPTIONS

The City Plan Commission may consider the following options and additional options that it identifies when reviewing the rezoning application:

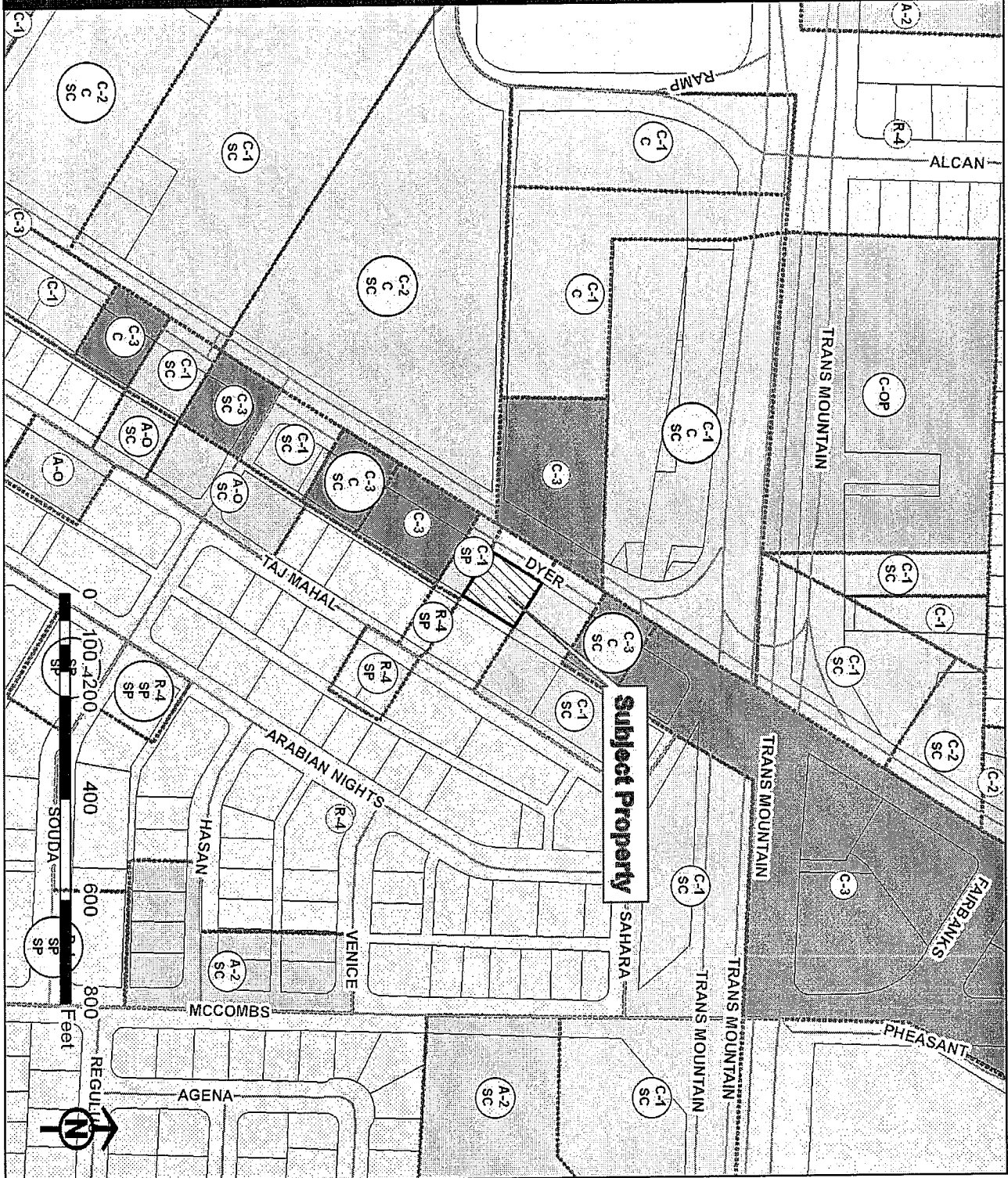
1. Recommend approval of the application finding that the rezoning is in conformance with the review criteria of Plan El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.
2. Recommend approval of the application with modifications to bring the rezoning into conformance with the review criteria in Plan El Paso as reflected in CPC report or other criteria from the Plan as identified by the CPC.
3. Deny the application finding that the rezoning does not conform to the review criteria in Plan El Paso as reflected in CPC report or other criteria identified in the Plan by the CPC.

Attachments:

- Attachment 1: Zoning Map
- Attachment 2: Aerial Map
- Attachment 3: Conceptual Site Plan

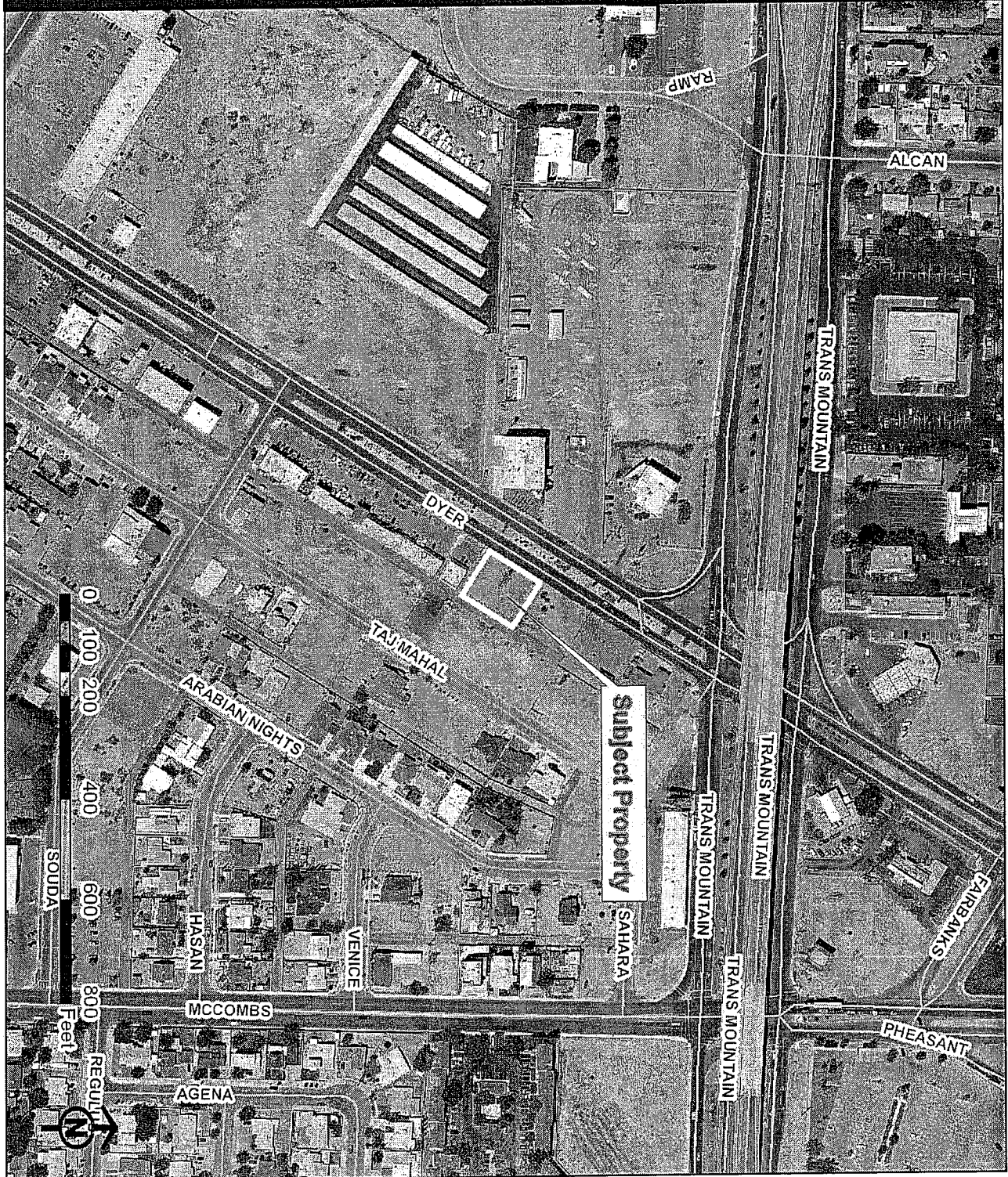
ATTACHMENT 1: ZONING MAP

PZRZ12-00045



ATTACHMENT 2: AERIAL MAP

PZRZ12-00045



ATTACHMENT 3: CONCEPTUAL SITE PLAN

